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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

August 22, 2001

Reply To
Attn Of: ECL-113

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Beverly Cook, Manager
U.S. Department of Energy
Idaho Operations Office
785 DOE Place
Idaho Falls, Idaho 83402

Re: Request for Information Pursuant to Section 104 of CERCLA for Idaho National Engineering and Environmental Laboratory in Idaho Falls, Idaho, hereinafter referred to as "the Site"

Dear Ms Cook:

The United States Environmental Protection Agency ("EPA") is currently investigating the source, extent, and nature of the release or threatened release of hazardous substances, pollutants, or contaminants, or hazardous wastes on or about the Idaho National Engineering and Environmental Laboratory in Idaho Falls, Idaho (the Site). This investigation requires inquiry into the ability of the Department of Energy, Idaho Operations Office and its contractors to perform cleanup activities pursuant to the December 1991 Federal Facility Agreement and Consent Order (hereinafter, "FFA/CO").

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure A, attached hereto, within thirty (30) days of receipt of this letter

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
Attn: Wayne Pierre
Environmental Cleanup Office
M/S ECL -113
1200 Sixth Ave
Seattle, WA 98101

If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Lisa Castanon, of the Office of Regional Counsel at (206) 553-0464. Technical questions should be directed to Wayne Pierre, at the above address, or at (206) 553-7261.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Gearheard", written over a horizontal line.

Michael F. Gearheard, Director
Environmental Cleanup Office

Enclosure

INEEL
FIRST INFORMATION REQUEST

Instructions

1. Respond to each and every Question for the time period between October 1, 1996 and February 26, 2001

2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.

3. Precede each answer with the number of the Question to which it corresponds.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.

5. If information or documents not known or available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

6. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. §9604(e)(E), and 40 C.F.R. 2,203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary", or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

7. Please include the following certification with your response to this information request:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (Response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any

additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

AGENCY/DEPARTMENT

Sworn to before me this

___ day of ___, 2000

Notary Public

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you" or "Respondent" shall mean the U.S. Department of Energy ("Energy") and its officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "document" shall mean all objects that record, store, or present information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, and includes but is not limited to all correspondence, notes, minutes, e-mails, and reports.
3. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
4. The term "critical path schedule" shall describe the sequence and durations of activities and milestones necessary to meet enforceable deadline dates established pursuant to the terms of the FFA/CO.
5. The terms "FFA/CO" shall mean the December 1991 Federal Facility Agreement and Consent Order signed between the state of Idaho, the United States Department of Energy and the United States Environmental Protection Agency.
6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (Invoice or purchase order number), the identity of the author, addressor, addressee, and/or recipient, and the substance or the subject matter.
7. The term "Identify" shall mean, with respect to a person, to set forth the name, present or last known job title, and present or last known business address and business phone number.
8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. §9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA 40 CFR Part 300, or 40 CFR Parts 260-280, in which case the statutory or regulatory definition shall apply.

Questions

1. For each and every Question contained herein, if information or documents responsive to this Information Request are not in your possession, custody, or control, then identify the persons from whom such information or documents may be obtained. These questions cover the time period of October 1997 to February 26, 2001.
2. Describe and provide all documents concerning acts or omissions of any persons, including your employees, agents, or those persons with whom Energy has or had a contractual relationship, that may have caused delay or non-compliance with the terms of the FFA/CO, critical path schedules and/or performance requirements as applies to remedial activities at the Radioactive Waste Management Complex (RWMC), Subsurface Disposal Area (SDA).
1. Explain in detail Energy's reasons for not taking waste zone core samples in Pit 9 as required under the Stage I Work Plan.
 - (a) Provide all documents generated or received by Energy that relate or refer in any way to waste zone core samples.
2. Explain in detail Energy's reasons for not performing the Stage II RA Work Plan for Pit 9.
 - (a) Provide all documents generated or received by Energy that relate or refer in any way to performance of Stage II Work Plan.
3. Explain in detail Energy's reasons for not performing the In-Situ Vitrification "hot test" as required under the OU 7-13/14 RI/FS Work Plan.
 - (a) Provide all documents generated or received by Energy that relate or refer in any way to the in-situ vitrification "hot test."
4. Explain in detail Energy's reasons for not performing the Ex-Situ Treatability Study as required under the OU 7-13/14 RI/FS Work Plan.
 - (a) Provide all documents generated or received by Energy since October 1997 that relate or refer in any way to the Ex-Situ Treatability Study.
5. Explain in detail Energy's reasons for not performing any other activity required under approved Work Plans for the Radioactive Waste Management Complex, Subsurface Disposal Area.
 - (a) Provide all documents generated or received by Energy since the date of approval of any pertinent Work Plan that relate or refer in any way to a required activity that will not be performed.